

# Nadler, Baldwin and Polis Introduce the Respect for Marriage Act to Repeal the Defense of Marriage Act (DOMA)

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WASHINGTON, D.C. – Today, Congressman Jerrold Nadler (D-NY), Chair of the House Judiciary Subcommittee on the Constitution, Civil Rights and Civil Liberties, Congresswoman Tammy Baldwin (D-WI) and Congressman Jared Polis (D-CO), along with Congressman John Conyers (D-MI), Congressman John Lewis (D-GA), Congresswoman Nydia Velazquez (D-NY) and Congresswoman Barbara Lee (D-CA), with a total of 91 original co-sponsors to date, introduced the Respect for Marriage Act in the House of Representatives. This legislation would repeal the Defense of Marriage Act (DOMA), a 1996 law which discriminates against lawfully married same-sex couples.

The 13-year-old DOMA singles out legally married same-sex couples for discriminatory treatment under federal law, selectively denying them critical federal responsibilities and rights, including programs like social security that are intended to ensure the stability and security of American families.

The Respect for Marriage Act, the consensus of months of planning and organizing among the nation's leading LGBT and civil rights stakeholders and legislators, would ensure that valid marriages are respected under federal law, providing couples with much-needed certainty that their lawful marriages will be honored under federal law and that they will have the same access to federal responsibilities and rights as all other married couples.

The Respect of Marriage Act would accomplish this by repealing DOMA in its entirety and by adopting the place-of-celebration rule recommended in the Uniform Marriage and Divorce Act, which embraces the common law principle that marriages that are valid in the state where they were entered into will be recognized. While this rule governs recognition of marriage for purposes of federal law, marriage recognition under state law would continue to be decided by each state.

The Respect for Marriage Act would not tell any state who can marry or how married couples must be treated for purposes of state law, and would not obligate any person, church, city or state to celebrate or license a marriage of two people of the same sex. It would merely restore the approach historically taken by states of determining, under principles of comity and Full Faith and Credit, whether to honor a couple's marriage for purposes of state law.

Supporters of DOMA argued in 1996 that the law is necessary to promote family structures that are best for children, but every credible medical, social science and child welfare organization has concluded that same-sex couples are equal parents. Married gay and lesbian couples pay taxes, serve their communities and raise children like other couples. Their contributions and needs are no different from those of their neighbors. The Respect for Marriage Act would ensure that couples who assume the serious legal duties of marriage are treated fairly under federal law.

The introduction of the Respect for Marriage Act responds directly to a call from President Obama for Congressional action on the issue. As the President recently confirmed: "I stand by my long-standing commitment to work with Congress to repeal the so-called Defense of Marriage Act. It's discriminatory, it interferes with States' rights, and it's time we overturned it."

Standing with the Members of Congress today were couples who have been harmed by DOMA, numerous members of the clergy, and many of the nation's leading LGBT and civil rights organizations – including Human Rights Campaign, Lambda Legal, the National Gay and Lesbian Task Force, Freedom to Marry, the American Civil Liberties Union, the National Center for Lesbian Rights, People for the American Way, and the National Organization of Women.

Also supportive of this legislation, and of this particular strategy for repealing DOMA, are the Gay & Lesbian Advocates & Defenders (GLAD), who are leading the litigation efforts challenging DOMA in *Gill v. Office of Personnel Management*.

“The full repeal of DOMA is long overdue,” said Rep. Nadler. “When DOMA was passed in 1996, its full harm may not have been apparent to all Members of Congress because same-sex couples were not yet able to marry. It was a so-called ‘defense’ against a hypothetical harm. This made it easy for our opponents to demonize gay and lesbian families. Now, in 2009, we have tens of thousands of married same-sex couples in this country, living openly, raising families and paying taxes in states that have granted them the right to marry, and it has become abundantly clear that, while the sky has not fallen on the institution of marriage, as DOMA supporters had claimed, DOMA is causing these couples concrete and lasting harm. Discrimination against committed couples and stable families is terrible federal policy. But, with a President who is committed to repealing DOMA and a broad, diverse coalition of Americans on our side, we now have a real opportunity to remove from the books this obnoxious and ugly law.”

“In support of families throughout the nation, our legislation will extend to same-sex, legally married couples the same federal rights and recognition now offered to heterosexual married couples, nothing more, nothing less,” said Rep. Baldwin, Co-Chair of the Congressional LGBT Equality Caucus. “As we continually strive to form a more perfect Union, repealing DOMA is a necessary step toward full equality for LGBT Americans.”

“No one should be denied the opportunity to choose his or her spouse,” said Rep. Polis. “It is a basic human right and deeply personal decision. Throughout history, we have only moved forward when society has distinguished between traditional values and valueless traditions. The Defense of Marriage Act — DOMA — is a valueless tradition that undermines the spirit of love and commitment that couples share and sends the wrong message to society. It is time for its repeal.”

“Respecting the dignity of every human being and the people’s right to freely make decisions about their own lives is in keeping with the most sacred and fundamental principles of our democracy,” said Rep. Lewis. “That is what made the Defense of Marriage Act so wrong. From the founding of this nation, we made exceptions to this high moral mandate, and as our history shows, it has always led to the gravest injustice. Before we travel too far down the wrong path, we must right this wrong. We must repeal DOMA and put in its place federal action that restores the integrity of our democracy. Over the years, thousands have paid the price to make this a more open, inclusive society. We must not turn back. We must progress to that point where we seek to build a national community at peace with itself.”

“We must work to promote fairness, tolerance and justice for all Americans, regardless of their sexual orientation,” said Rep. Velazquez. “The Respect for Marriage Act will help to ensure that the rights provided to married couples are extended across state lines and without prejudice.”

“The so called Defense of Marriage Act is discriminatory and unfair and denies fundamental civil liberties to countless families across America,” said Rep. Lee. “Gay, lesbian and transgendered Americans deserve nothing less than equal protection under the law.”

“The Defense of Marriage Act (DOMA) is a hurtful and cynical law enacted to discriminate against loving, committed same-sex couples. It does real harm by denying thousands of lawfully-married same-sex couples the federal rights and benefits that only flow through marriage. Many of these include the protections couples turn to in times of need, like Social Security survivors’ benefits, medical leave to care for an ailing spouse and equal treatment under U.S. immigration laws. Today’s introduction of legislation to repeal DOMA is a welcome step, and as more states recognize the commitment of loving same-sex couples and their families, it’s time for this law to go into the history books where it belongs,” said Joe Solmonese, President of the Human Rights Campaign.

"DOMA is and has always been an immoral attack on same-sex couples, our families and our fundamental humanity. This hateful law has only served to discriminate against people and belittle our nation's heralded values of freedom, fairness and justice. It is long past time to repeal DOMA, which has left a moral scar on this country. We thank Reps. Nadler, Baldwin and Polis for taking this step toward closing an ugly chapter in our country's history, and for working to ensure same-sex couples and our families are treated fairly," said Rea Carey, Executive Director of the National Gay and Lesbian Task Force.

"So-called 'DOMA' was a radical departure from the way federal government has treated married couples throughout most of American history. It makes more sense to respect marriages than to destabilize them. In America, we don't have second-class citizens and we shouldn't have second-class marriages either," said Evan Wolfson, Executive Director of Freedom to Marry and author of *Why Marriage Matters: America, Equality and Gay People's Right to Marry*.

"It is long past time for DOMA to go. When DOMA passed in 1996 it was a gratuitous slap in the face. But now, 13 years later, there are thousands of married same-sex couples who are hurt by this law. We've come a long way in 13 years and the federal government shouldn't be in the business of deciding that some married couples are worthy of federal respect and others are not. Married same-sex couples pay federal taxes just like everyone else and have a right to the same important benefits and protections as everyone else," said Kevin Cathcart, Executive Director at Lambda Legal.